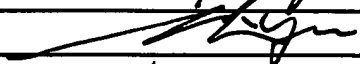


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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/942,664	
	Filing Date	8/31/2001	
	First Named Inventor	Leon Li-Feng Jiang	
	Art Unit	2633	
	Examiner Name	Bello, Agustin	
Total Number of Pages in This Submission	17	Attorney Docket Number	SEN111

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wenli Yu / LightRail Networks, Inc.
Signature	
Date	9/12/05

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	WENLI YU		
Signature		Date	9/12/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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September 12, 2005

REF: Application No. 09/942,664

Mr. Agustin Bello, Patent Examiner  
US Patent and Trademark Office  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Mr. Bello:

This letter is in responding to the Notice of Abandonment dated 05/26/05 regarding Application Number 09/942,664. We are requesting USPTO to re-exam and reconsider the decision because the stated reasons were incorrect based on the facts and our records. In fact, we responded the USPTO's office action of March 10, 2004 on August 9, 2004 which was a day earlier than the dead line of August 10, 2004.

I am enclosing copies of the fax record page along with the responses submitted to USPTO on 08/09/04 by our patent attorney Margaret Burke. These records were submitted second time per your request on 09/02/04 as evidence of on-time respond to the office action after your call. As she explained to you in her fax dated September 3, 2004, the Application Number was in error in the original submittal, the \$210 fee may had been applied to the wrong application 09/942,662.

I hope USPTO will reverse its decision based on the evidence and records provided here. Please feel free to contact me at 301-370-0496 if you need any additional information. I appreciate you time and thank you for your attention in this matter, as you would understand that every patent application is important to our future business well being.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Wenli Yu", written over a horizontal line.

Wenli Yu  
President

# Notice of Abandonment

Application No.

09/942,664

Examiner

Agustin Bello

Applicant(s)

JIANG ET AL.

Art Unit


2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10 March 2004.
  - (a) ☒ A reply was received on 02 September 2004 (with a Certificate of Mailing or Transmission dated 02 September 2004), which is after the expiration of the period for reply (including a total extension of time of 2 month(s)) which expired on 02 August 2004.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

  
**AGUSTIN BELLO**  
**PATENT EXAMINER**  
05/26/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: A non-final office action was mailed on 3/10/04 with a 3-month shortened statutory period for reply which expired 6/10/04. The applicant filed a response on 9/2/04 and requested a 2-month extension of time beyond shortened statutory period for reply which would have been 8/10/04. Since the new deadline for reply including the two month extension was 8/10/04 and the reply was received on 9/2/04, the applicant has failed to timely file a proper reply to the office action mailed 3/10/04. Furthermore, the applicant requested that all fees be charged to a credit card, but failed to provide the required PTO-2038 including the relevant credit card information, thereby preventing the payment of fees.